

**AMERICAN CONTRACT BRIDGE LEAGUE
CODE OF DISCIPLINARY REGULATIONS**

ENACTED BY BOARD ACTION JULY 1975

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| 1977-1 | March 1977 | 1980-3 | January 1981 | 1982-3 | December 1982 |
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| 1991-2 | August 1991 | 1992-3 | November 1992 | 1993-1 | March 1993 |
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| 1996-2 | August 1996 | 1997-3 | January 1998 | 1998-3 | January 1999 |
| 2000-1 | March 2000 | 2000-3 | January 2001 | 2001-1 | April 2001 |
| 2001-2 | August 2001 | 2001-3 | November 2001 | 2002-3 | November 2002 |
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| 2005-1 | March 2005 | 2005-2 | July 2005 | 2005-3 | January 2006 |
| 2006-1 | March 2006 | 2006-2 | July 2006 | 2006-3 | November 2006 |
| 2007-2 | August 2007 | 2007-3 | January 2008 | 2008-1 | April 2008 |
| 2008-3 | January 2009 | 2009-1 | April 2009 | 2009-2 | August 2009 |
| 2009-3 | January 2010 | 2010-2 | August 2010 | 2010-3 | January 2011 |
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Definitions

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| ACBL | The American Contract Bridge League. |
| ACBL Management | The ACBL Chief Executive Officer or his or her designee. |
| ACBL Officials | Members of the ACBL Board of Directors, the Chairman of the Board of Governors, members of any ACBL Foundation Board or of any ACBL committee, sub-committee or commission appointed by the ACBL President, or by the ACBL Board or by a member of the ACBL Board. It shall also include members of the Board of Governors. Members of any District or Unit Board within the ACBL and of any duly appointed or elected committee or sub-committee of such a Board. Members of any ACBL Tournament Committee and all independent contractors hired by a Tournament Committee. This includes all Tournament Assistants and Caddies hired to work at an ACBL sanctioned tournament. ACBL employees, the ACBL Recorder, and ACBL In-House Counsel. |
| Administrative Suspension | A suspension imposed by ACBL Management in accordance with CDR 4.3. |
| Advocate | A person selected by the Unit, District or ACBL Management to represent the organization by prosecuting the complaint. |
| Appeals and Charges Committee | A committee of the Board of Directors which hears all disciplinary appeals on behalf of the Board of Directors. |
| Attorney | A person who is licensed or has been licensed to practice law in any jurisdiction. |
| Board of Directors | The governing body of the ACBL. |
| CDR | This Code of Disciplinary Regulations. |
| Charge | A matter brought to an ACBL disciplinary body by an ACBL representative upon the making of a complaint. |

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| Charging Party | The official of a Unit, District or the ACBL acting upon a complaint. |
| Comfortable Satisfaction | A burden of proof that is met when after a careful weighing of the evidence and facts proved by direct and/or circumstantial evidence, the trier of fact has a comfortable satisfaction that it has reached a correct and just conclusion. It is higher than a preponderance of the evidence, but not as high as beyond a reasonable doubt. Direct, circumstantial, hearsay, witness statements, mathematical analysis, and any other relevant evidence can be used to establish Comfortable Satisfaction. |
| Complainant | A person or body bringing a complaint. |
| Complaint | A written accusation by an ACBL member, a non-member playing in an ACBL sanctioned event, ACBL management or a Unit or District alleging conduct in violation of CDR 3 that requests that charges be made to an appropriate disciplinary body. |
| Disciplinary Bodies | Those committees set forth in CDR 1 which are authorized to hear charges involving tournament discipline. |
| Discrimination | Actions against a full-time or part-time ACBL employee, independent contractor, member, or participant in an ACBL sanctioned event because of race, creed, color, religion, national origin, ancestry, sex, gender, disability, sexual orientation or other personal characteristics covered by law. |
| Eligibility Points | Masterpoints assigned to be used for placement in a flight, bracket, or stratification category and used to ensure proper seeding. These points shall not be used for attaining ACBL ranks or in any masterpoint race. For the purpose of this CDR, the eligibility points assigned shall equal points forfeited by the action of a disciplinary body. |
| Ethical Oversight Committee | A committee established by the Board of Directors which hears original cases of cheating or serious breaches of ethics or other disciplinary referrals per CDR 2.2.3(d). |
| Ethical Violations | Infractions of the Laws of Duplicate Contract Bridge or the CDR that involve improper conduct consciously perpetrated. "Ethical violations," include but are not limited to: <ol style="list-style-type: none"> 1. Any deliberate communication not allowed by the Laws of Duplicate Contract Bridge. |

2. Obtaining unauthorized information from hand records of the current session prior to the conclusion of play or hand records of future sessions, except upon express instruction of the Director.
3. Purposely looking at the unplayed cards of another player (other than penalty cards) before play of the deal is concluded.
4. Purposely looking at another player's (other than partner's) private score or any score ticket or score slip, or a video screen, which displays or contains scoring information for or relating to a deal yet to be played by the offender during the session.
5. Deliberately behaving in a manner intended to disrupt, intimidate, or disconcert another player.
6. Concealing partnership agreements or deliberately providing incomplete, inaccurate, misleading, or inadequate explanations.
7. Deliberate violations of the Laws of Duplicate Contract Bridge and/or ACBL regulations which may produce improper or unfair advantages; no proof of intent to gain such unfair or improper advantage is necessary.

Expulsion

See CDR 4.1.5.

Expungement

The removal of a discipline, after such discipline has been served, from a person's disciplinary record so that it is as though the discipline was never imposed.

Incident

An occurrence of conduct or actions by a player or ACBL member which may be the basis for a player memo or complaint.

Law

A provision in the "Laws of Duplicate Contract Bridge" or the "Laws of Duplicate Bridge."

Member in Good Standing

An ACBL member shall be deemed to be in "good standing" when such member's dues, if dues *are* required, are current and such member is not currently:

1. expelled,
2. serving a term of suspension,
3. serving indefinite probation,
4. serving a probation the initial term of which was twenty-four or more months or
5. serving a term of probation following a suspension, the initial term of which was in excess of ninety days.

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| | A member who is not in good standing as defined herein shall not be entitled to serve in any elected or appointed position in ACBL. |
| Month | For the purposes of the CDR, a month is equal to thirty (30) days. |
| Preponderance of the Evidence | Evidence that is more convincing than the evidence opposed to it. |
| Presenter | A person selected by the Chairman of the Disciplinary Committee or the organization with jurisdiction, to make or assist with an impartial and neutral presentation of evidence to a disciplinary body. |
| President | The President of the ACBL Board of Directors. |
| Prima Facie | Evidence that is sufficient to establish a fact in question until rebutted. |
| Reprimand | See CDR 4.1.1. |
| Sanctioned Event | For the CDR, any ACBL sanction issued by the ACBL to a club, unit or district and any event awarding ACBL masterpoints which is conducted and sponsored by the ACBL. |
| Suspended Sentence | See CDR 4.1.3. |
| Suspension | See CDR 4.1.4. |
| Unit Sponsored Club | A club which has any one or more of the following features: (a) a board which is the same as the unit board or which is appointed by the unit; or (b) a co-mingling of funds with those of the unit; or (c) a placement of funds in a unit owned account; or (d) the appointment of a club manager or director by the Unit.” |
| TDC | The Tournament Disciplinary Committee which is a committee acting and completing its action at or |

immediately after an ACBL tournament and which hears disciplinary charges arising from action occurring at a tournament.

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The purpose of the CDR is to provide a fair hearing to every ACBL member charged with a disciplinary infraction. However, it is to be understood that disciplinary proceedings are not criminal or civil trials in that they do not involve personal liberty but rather the privileges of membership in the ACBL or continued participation in ACBL sanctioned events. The CDR also applies to non-members of ACBL when participating in ACBL sanctioned events.

1. ACBL Disciplinary Bodies of Original and Appellate Jurisdiction

- 1.1 Unit Disciplinary Committee
 - 1.1.1 Each Unit shall have a standing Disciplinary Chairperson.
 - 1.1.2 Each Unit shall have either a standing Unit Disciplinary Committee or procedures to appoint a committee when necessary.
- 1.2 District Disciplinary Committee
 - 1.2.1 Each District shall have a standing Disciplinary Chairperson.
 - 1.2.2 Each District shall have either a standing District Disciplinary Committee or procedures to appoint a committee when necessary.
- 1.3 District Appellate Committee
 - 1.3.1 Each District shall have a standing Appellate Chairperson who may not be the same person hearing the matter as in CDR 1.1.1 or 1.2.1.
 - 1.3.2 Each District may have a standing District Appellate Committee but at a minimum must have procedures to appoint a committee when necessary. In no event may a member of this committee be a member of the committee hearing the matter as in CDR 1.1.1 or 1.2.1.
- 1.4 Tournament Disciplinary Committees are established by Units, Districts and/or the ACBL Board of Directors for hearing charges on actions occurring respectively at Sectional Tournaments, Regional Tournaments, North American Bridge Championships or ACBL sanctioned events sponsored by Units, Districts or the ACBL.
- 1.5 The Ethical Oversight Committee shall, upon charges being brought by ACBL Management whether based upon a complaint submitted by ACBL or another entity or individual, hear original cases of alleged cheating by

use of signals, other unauthorized information, other forms of cheating, or serious breaches of ethics. In-House Counsel, the ACBL President and District Director of the person charged shall be notified of a decision to hold an Ethical Oversight Committee hearing. The results of its hearings shall be reported to the parties, the Board of Directors and ACBL Management.

1.5.1 The ACBL National Recorder shall be the complainant and the ACBL CEO shall be the charging party.

1.6 The Appeals and Charges Committee.

1.7 ACBL Management.

1.8 TDCs of organizations sponsoring an ACBL sanctioned tournament or event, except units, districts or ACBL.

1.9 The ACBL Disciplinary Committee shall hear cases regarding those matters specified in the CDR 2.2.3 (d), (e) and (f), 5.3.14 (c) or other original cases when so instructed by the ACBL Board of Directors. This committee shall act as an appellate body and hear appeals per CDR 7.3.

2. Jurisdiction

2.1 Of Units, Districts and ACBL (see also 2.2)

2.1.1 A Unit has jurisdiction over:

- (a) Members of the Unit when such a member is participating in a sanctioned event or other activity sponsored by a Unit, District or ACBL.
- (b) Persons participating in a sanctioned event or other activity sponsored by a Unit, District or ACBL held within the Unit's geographical boundaries.
- (c) Managers and or staff of clubs located in a unit's geographical area in relation to complaints brought pursuant to CDR 2.1.6.
- (d) Persons participating in a club sponsored ACBL sanctioned event held within the Unit's geographical boundaries relating to complaints of alleged cheating by use of signals, other unauthorized information, other forms of cheating, or serious breaches of ethics.

2.1.2 A District has jurisdiction over:

- (a) Persons participating in a sanctioned event or other activity sponsored by a Unit, District or ACBL held within its geographical boundaries (District Disciplinary Committee).
- (b) Decisions of a tournament disciplinary committee from a tournament held in the district's geographical area, a member unit's disciplinary committee and the district's disciplinary committee and the charged person or persons in each for appellate purposes only (District Appellate Committee).
- (c) Cases involving alleged violations by Units referred to in CDR 9.1 (District Disciplinary Committee).

2.1.3 The ACBL has jurisdiction over:

- (a) Members of ACBL or others disciplined, for appellate purposes only, except where otherwise specified in the CDR.
- (b) Persons participating in a sanctioned event or other activity sponsored by a Unit, District or ACBL held under its jurisdiction.
- (c) ACBL members who have been disciplined or sanctioned by any other bridge organization.
- (d) Members of ACBL or others disciplined, for appellate purposes only, except where otherwise specified in the CDR.
- (e) Persons participating in a sanctioned event or other activity sponsored by a Unit, District or ACBL held under its jurisdiction.
- (f) Violations of CDR Sections 3.23, 3.24, 3.25, 3.26, and 3.27.

2.1.4 A Tournament Disciplinary Committee, as well as the disciplinary committee of the sponsoring organization, has jurisdiction over persons in attendance at that tournament. Notwithstanding the above, the disciplinary committee of the sponsoring organization

has the right to hear a matter within its jurisdiction beyond the date or dates of the tournament. If such right is not exercised, the

matter may be referred to the member's Unit pursuant to CDR 2.1.1.

- 2.1.5 None of the disciplinary bodies noted in CDR 2.2 has jurisdiction over an ACBL employee (member or not) in pursuit of his or her employment with the ACBL.
- 2.1.6 Except for ACBL Management in accordance with CDR 2.2.5, none of the disciplinary bodies noted in CDR 2.2 has jurisdiction over the club's manager or staff based on actions taken in pursuit of their club activities unless the action is brought by ACBL
- 2.1.7 Except for CDR 2.1.1 (d) and except at a Unit Sponsored Club as defined in the Definitions Section, units, districts and ACBL have no original jurisdiction over behavior at club sponsored games.

2.2 Of Disciplinary Bodies

2.2.1 Units have only original jurisdiction, except:

- (a) In hearing appeals of a barring from a sanctioned game at a club.
- (b) When otherwise explicitly stated in the CDR.

2.2.2 In addition to its appellate jurisdiction, Districts have original jurisdiction in the following cases:

- (a) Cases involving complaints against a person arising from that person's participation in a sanctioned event or activity sponsored by the District.
- (b) Cases involving alleged violation by Units referred to in CDR 9.1.
- (c) Cases where there is no appropriate Unit disciplinary body.
- (d) When, in the opinion of the District Board, circumstances make it impractical for the matter to be heard by the Unit.
- (e) When, in the opinion of the Unit or District Board, the matter cannot be fairly heard by the Unit.

2.2.3 The ACBL Board of Directors has original jurisdiction of the following:

- (a) Disputes between Districts.
- (b) Disputes between Units from different Districts.
- (c) Cases involving alleged violations by Districts, referred to in CDR 9.2.
- (d) When, in the opinion of the District Board or the ACBL Board of Directors circumstances make it impractical or unfair for a complaint to be heard by the District or Unit or when in the opinion of the ACBL Board of Directors, the issues involved in the complaint are of paramount importance to ACBL. If such complaint is disciplinary in nature and of original jurisdiction, the District Board or the ACBL Board of Directors (as the charging party) shall make charges to the ACBL Disciplinary Committee for it to conduct a hearing. In these matters the ACBL Board of Directors designates the ACBL Executive Committee to act on its behalf.
- (e) When a disciplinary committee refers a matter heard at an NABC to the ACBL, it shall be referred to the ACBL Disciplinary Committee for action.
- (f) When an ACBL member has been disciplined by another bridge organization for an ethical violation, the CEO of the ACBL may refer the matter to the Ethical Oversight Committee for resentencing purposes, but only if the sentence imposed was less than that contained in the suggested sentencing guidelines enacted by the World Bridge Federation. In all other cases, the ACBL shall honor the discipline imposed, enforcing it in ACBL events, unless the ACBL member requests a hearing under ACBL rules and regulations and provides substantial evidence that
 - 1) he was not accorded a fair process in the hearing held by the other bridge organization and/or
 - 2) the penalty imposed is grossly inappropriate for the violation proven.

If the rehearing is granted, the sanctions will not be enforced until and unless the findings and sanctions are

confirmed by the ACBL. The decision as to whether or not substantial evidence of a lack of a fair process was provided or that the penalty imposed was grossly inappropriate shall be made by the CEO of the ACBL with the advice of In-House Counsel. If a new hearing is requested, the ACBL is entitled to impose its own sentence if the conviction is affirmed or it is found that the penalty imposed was inappropriate. Nothing in this section shall prohibit the ACBL from initiating a disciplinary process for ethical violations in ACBL sanctioned events.

- 2.2.4 In matters coming under CDR 2.2.3 (except as provided in 2.2.3(d), (e) and (f)), the matters will be considered and findings made by the Appeals and Charges Committee, subject to approval, modification or rejection by the Board of Directors.
- 2.2.5 ACBL Management has original jurisdiction of matters set forth in CDR 4.3, CDR 5.1.12 and other sections so provided in the CDR.
- 2.2.6 The Ethical Oversight Committee has jurisdiction over any ACBL member participating in any event that awards ACBL masterpoints and over non-members participating in an ACBL sanctioned event.

3. Grounds for Discipline

- 3.1 Violation of the Laws of Duplicate Contract Bridge.
- 3.2 Violation of ACBL regulations. Administrative regulations such as rules pertaining to sanctioned games at clubs are exempted.
- 3.3 Leaving a session prior to completion of play without either good cause or the permission of the tournament or game director.
- 3.4 Accusations of unethical bridge conduct at an ACBL sanctioned event, not made privately to a tournament director or other tournament official. Private and confidential conversations are not within the ACBL's jurisdiction even if they take place at a tournament site.
- 3.5 Violation of CDR 4.4.
- 3.6 Betting on the results of any ACBL sanctioned event.
- 3.7 Actions or behavior unbecoming a person participating in an ACBL sanctioned tournament or event; or a person attending (at the time and site of) an ACBL sanctioned tournament or event or ACBL activity (including a unit or district activity).

- 3.7.1 "Site" includes, but is not limited to, parking lots, elevators, restaurants and hotels at or around the location of such tournament, event or activity.
- 3.7.2 A private and confidential conversation is not within the ACBL's jurisdiction even if it takes place at a tournament site.
- 3.7.3 E-mails or letters sent to an ACBL official or entity (such as a unit or district Board of Directors) may constitute a violation of 3.7.
- 3.7.4 E-mails or letters sent to private individuals shall not constitute a violation of 3.7.
- 3.8 Non-payment of a valid hotel bill when the person participating in an ACBL sanctioned tournament stays at such hotel during that ACBL sanctioned tournament.
- 3.9 Non-payment of any sums owed ACBL, Districts, or Units. (For example: bad checks.)
- 3.10 Filing formal legal action against a Unit, District or the ACBL without first exhausting ACBL administrative or other internal remedies.
- 3.11 Improper conduct toward any official or body of ACBL in performance of their ACBL duties or functions.
- 3.12 Influencing or attempting to influence an entrant or entrants other than one's partner or teammates to withdraw from any ACBL-sanctioned event.
- 3.13 Knowingly submitting false information to a tournament official, ACBL official or ACBL body.
- 3.14 Failure to appear before a disciplinary committee in violation of CDR 5.2.5, 5.3.3 and 5.3.5.
- 3.15 Initiating disciplinary action against another with no reasonable basis or appealing the decision of a disciplinary body with no reasonable basis. (The rejection of a complaint is not equivalent to a finding that there was not a reasonable basis.)
- 3.16 Refusing any reasonable request for cooperation by a duly appointed recorder or assistant recorder pursuant to the proper conduct of the recorder's duties.

- 3.17 Improper conduct, a breach of ethics or improper behavior by an ACBL member for which another bridge organization has issued a discipline or sanction against said member. This section may be implemented only by the ACBL Executive Committee under CDR 2.2.3 (f).
- 3.18 Misappropriate ACBL, Unit or District Funds.
- 3.19 Partnering or playing on a team with a person who is presently serving a suspension from ACBL or who is presently expelled from ACBL.
- 3.20 Cheating and similar ethical violations.
- 3.21 Attempt to influence a decision of a disciplinary body outside of the hearing process(es).
- 3.22 Discussion of the content of the hearing, other than the committee decision, outside the hearing room by a disciplinary body member with any party (whether a party to the hearing or not).
- 3.23 Unauthorized access to password-protected information or misrepresenting one's identity to access a website and/or electronic data of the ACBL and/or those of Clubs, Units and Districts.
- 3.24 Cyber-attacks or similar intentional electronic disruptions or attempts at electronic disruptions, of websites and/or electronic data systems of the ACBL and/or those of Clubs, Units and Districts.
- 3.25 Unauthorized use of ACBL-provided member data for (a) personal use, (b) financial gain and/or (c) harassment.
- 3.26 Unauthorized use of copyrighted ACBL materials or software.
- 3.27 Unauthorized use of Trademarks registered by the ACBL.

4. Discipline

- 4.1 Except for disciplines which may be imposed at tournaments under CDR 5, the subsections in this CDR 4 set forth the only discipline which may be imposed by ACBL disciplinary bodies. ACBL disciplinary bodies may choose to combine such disciplines. Except for CDR 4.1.6, a disciplinary action by an ACBL disciplinary body shall apply to all events sanctioned by the ACBL. The following disciplines do not apply to conditions for a player's readmission to the ACBL, conditions for a player being allowed to play following a suspension, or the authority of any sanctioned ACBL club game to remove or ban any player from playing at that club game. All disciplines shall be matters of public review and shall be filed in the

person's disciplinary record. Discipline imposed shall be subject to ACBL rules and regulations in effect at the time during which incident(s) occurred which led to the discipline.

- 4.1.1 *Reprimand.* A written determination that a person has committed an offense warranting discipline for which the appropriate sanction is a statement of censure, an explanation of the relevant disciplinary policy and a warning against further related violations.
- 4.1.2 *Probation.* A determination that a person has committed an offense warranting discipline such that the person must lose some of the privileges of membership and such that any further disciplinary violation, whether similar or different, may result in suspension or expulsion.
 - a. If the member is disciplined for another offense during a discrete probationary period, then if the new discipline is:
 - (1) Expulsion, no further discipline.
 - (2) Probation in excess of 90 days or suspension, the previous probation becomes suspension for the remainder or half of the probation period, whichever is the greater. The new discipline shall be consecutive, not concurrent. (See CDR 4.1.8.)
 - (3) Other, the committee issuing the new discipline shall determine how much, if any, of the previous probationary period shall become a period of suspension.
 - b. If the member is disciplined for another offense during an indeterminate, permanent or lifetime probationary period, then if the new discipline is:
 - (1) Expulsion, no further discipline.
 - (2) Probation in excess of 90 days or suspension, the committee issuing the new discipline shall determine how much of the previous probation shall become a period of suspension. The suspension must be a minimum of one year. The new discipline shall be consecutive, not concurrent. (See CDR 4.1.8.)
 - (3) Other, the committee issuing the new discipline shall determine how much, if any, of the previous probationary period shall become a period of suspension. The new discipline shall be consecutive, not concurrent. (See CDR 4.1.8.)

- c. During the entirety of a probationary period which is greater than ninety (90) days, a member shall not be eligible to direct a sanctioned masterpoint game unless specifically authorized by ACBL Management or the ACBL Board of Directors.
- 4.1.3 *Suspended Sentence.* A determination that a person has committed an offense warranting discipline such that a suspension would normally be imposed effective immediately, but based on mitigating circumstances the suspension is being waived, conditioned on good behavior or compliance with conditions imposed by the committee for a specified period of time. When the discipline is imposed and the execution thereof suspended, such suspension shall be deemed to be probation. (See CDR 4.1.2.)
- 4.1.4 *Suspension.* A determination that a person has committed an offense warranting abrogation of all ACBL rights and privileges including membership for a specified period. (See CDR 4.1.8.)
- 4.1.5 *Expulsion.* A determination that a person has committed an offense warranting permanent abrogation of all ACBL rights and privileges, including membership. (See CDR 4.1.8.)
- 4.1.6 *Exclusion From Events and Programs.* A determination that a person has committed an offense warranting abrogation of the person's right to play in certain specified events or to participate in programs sponsored by the ACBL, districts and/or units and receive the benefits there from. (See CDR 4.1.8.)
- 4.1.7 *Reduction or Forfeiture of Masterpoints or Tournament Rank or Disqualification.* A determination that a person has committed an offense at a tournament warranting forfeiture of a specified number or all of the masterpoints earned in that event, or in the tournament in which the offense occurred, or a reduction of rank in a particular event, or disqualification in the event or tournament, or disqualification from yearly races or awards or any combination of the above. (See CDR 4.1.8.)
- (a) When the determination has been made before the termination of the applicable correction period, resulting in a reduction in rank or disqualification, the standing of the other contestants in the event shall be adjusted to reflect such determination.
 - (b) When the determination has been made after the termination of the applicable correction period, a reduction

in rank or disqualification shall not affect the standing of the other contestants in the event even though there may be no winner because of such action.

4.1.8 *Forfeiture of Masterpoints/Titles for Unethical Behavior.*

- (a) Any participant(s) in an ACBL sanctioned event convicted of premeditated or collusive cheating or any participant(s) who admits to such action or actions shall forfeit all masterpoints, titles and ACBL status ranks or other ACBL related awards theretofore earned by said participants through participation in all ACBL events.
The partners and teammates of said participant(s) shall forfeit all masterpoints, titles and status ranks earned while playing with said participant(s) during the four years preceding the admission or finding of guilt.
- (b) Any participant(s) in an ACBL sanctioned event suspended as a result of ethical transgressions, other than those set forth in this CDR 4.1.8 (a), shall forfeit any masterpoints and titles won in the event in which the offense(s) occurred. Further:
 - (1) When a suspension of less than one year has been imposed, the committee may remove the masterpoints, titles and/or awards won within the twelve (12) calendar months preceding the date of the offense(s).
 - (2) When the discipline imposed is a suspension of one year or longer, the committee shall remove as a minimum, all masterpoints, titles and awards won within the twelve (12) calendar months preceding the date of the offense(s). The committee may remove additional masterpoints, titles and or ACBL status ranks or other ACBL related awards previously earned by said participants through participation in all ACBL events as it deems appropriate.
- (c) Teammates and partners of (a) participant(s) who suffer(s) penalties as provided in CDR 4.1.7 and 4.1.8 (b) shall forfeit any title(s) and masterpoints won in events in which the offense or offenses occurred.
- (d) Titles forfeited pursuant to CDR 4.1.8 (a), (b) or (c) shall

remain vacant and there shall be no change in rankings or awarding of masterpoints for other contestants. First place awards for Unit masterpoint races forfeited pursuant to CDR 4.1.8 (a), (b), or (c) shall not remain vacant. The second place awardee shall move up to first place and lower ranked awards will be filled by a relevant change in rankings for other lower-ranked contestants. Awards for other than first place forfeited pursuant to CDR 4.1.8 (a), (b), or (c) shall remain vacant and there shall be no change in rankings for other contestants.

- (e) Management shall assign eligibility points to equal the number of masterpoints that have been forfeited by the disciplinary body's decision.

4.1.9 *Expungement.*

- (a) No ACBL disciplinary body may order expungement as a part of a discipline.
- (b) A discipline which has been issued by an ACBL disciplinary body of original discipline may be expunged from a person's record only by action of an appellate body for good cause when hearing an appeal filed in accordance with CDR 7.
- (c) The Appeals and Charges Committee may hear a request to have a person's record expunged and order expungement at the Committee's sole discretion.

4.2 ACBL Probation and Suspension.

- 4.2.1 A person who has been disciplined twice in accordance with CDR 4.1 within a twenty-four (24) month period shall be automatically placed on ACBL probation for two (2) years by ACBL Management. A violation of such probation shall result in automatic suspension for sixty (60) days by ACBL Management and such additional disciplines, including expulsion from the ACBL, as may be determined by the ACBL Appeals and Charges Committee. At the meeting of the ACBL Appeals and Charges Committee the disciplined party is entitled to be present in person, by a qualified representative or by telephone to discuss the case. ACBL discipline imposed as a result of multiple offenses shall be consecutive to the imposition of the original discipline. When both of the disciplines are public reprimand, ACBL Management shall inform the person that he or she may request the Appeals and

Charges Committee to consider extenuating circumstances to have the ACBL probation suspended. When considering such relief, the entire ACBL disciplinary record of the member shall be considered.

4.2.2 Violation of probation is deemed to have occurred when a person who is under ACBL probation has violated a law, rule or regulation of the ACBL and has been disciplined as a result of such violation, unless that new discipline is reversed by an appellate body and in the event of any further hearing(s), no further discipline is imposed.

4.3 Suspension by ACBL Management.

4.3.1 ACBL Management may impose an administrative suspension on a person who:

- (a) Has not paid dishonored checks to ACBL, its Districts, Units or Conferences;
- (b) Has failed to pay a valid hotel bill to a hotel supporting an ACBL tournament without notifying ACBL and the hotel that he or she disputes such obligation in good faith.
- (c) Has failed to pay a debt to ACBL, its Districts, Units or Conferences without notifying ACBL that he or she disputes such obligation in good faith.
- (d) Has failed to submit club masterpoint reports in a timely manner (the person may be either the sanctioned owner and/or club manager).
- (e) Has violated an ACBL Confidentiality Agreement or other contract with ACBL.
- (f) Has caused damage to any facility associated with an ACBL tournament during the conduct of such tournament without adequate reason or justification and failed to make reasonable compensation therefor.

4.3.2 Management Suspensions Under CDR 4.3.1

- (a) Appeal from:
Unless provided for elsewhere in the CDR, an appeal from an administrative suspension may be submitted only to the ACBL CEO to be resolved at his or her sole discretion.

(b) Cancellation of:

ACBL Management may cancel any administrative suspension imposed under CDR 4.3.1 within sixty (60) days after the dishonored check(s), hotel bill(s) or outstanding debt(s) is paid or the trophy is returned, but if ACBL Management should not cancel such suspension, it shall report to the appropriate disciplinary body giving the reason therefore.

4.3.3 If ACBL Management has cause to believe that a person has violated his or her discipline, it may suspend such person pending a review by the person's Unit Disciplinary Committee for consideration of additional sanctions.

4.3.4 ACBL Management shall automatically impose an administrative suspension on a person who files a civil action (which may or may not result in arbitration) or submits a dispute to arbitration for damages (the "action") against the ACBL upon the occurrence of any of the following (this does not apply to civil actions brought by

ACBL employees for anything concerning their ACBL employment):

(a) A judgment in the action which is favorable to the ACBL;

(b) A dismissal of the action by the court with or without prejudice;

(c) Failure by the ACBL member to prosecute the action for any consecutive six month period after filing of the action; or

(d) A settlement of the action which does not specifically waive the provisions of this paragraph.

4.3.5 Such suspension shall be lifted only upon the occurrence of one of the following:

(a) payment by the ACBL member of costs incurred in the action by the ACBL, its officers, agents, representatives and insurers; or

(b) resolution by the ACBL Board of Directors absolving the ACBL member of payment of such costs. "Costs incurred in the action" shall mean all lawyers fees and expenses, witness fees and expenses, court costs and other costs related to the defense of the action. The Appeals and Charges Committee, shall make all determinations and decisions relating to the implementation of this

section (CDR 4.3.5)

- 4.4 While serving a suspension of any kind or while expelled, a person may not participate in any National, District, Unit, club or other ACBL sanctioned activity including, but not limited to (i) acting as non-playing captain, (ii) kibitzing any game or event, (iii) being physically present at the playing area of a tournament, (iv) participating personally or through a corporation or other entity, agent, "doing business as" or other device in bridge-related affairs of the ACBL or of any ACBL affiliated organization.
- 4.5 For the effective date of a discipline see CDR 5.1.15.
- 4.6 A report shall be submitted to ACBL Management by the disciplinary body imposing a sanction. Further, in order that a disciplinary action may be considered in imposing ACBL Probation, a report must be on file with ACBL Management. ACBL's Disciplinary Guidelines are attached as CDR Appendix B.

5. Procedures for ACBL Disciplinary Bodies of Original Jurisdiction

- 5.1 Procedural Principles for Conduct of Hearings by Unit, District, and National Committees [*See, also CDR Appendix A (Guidelines for Disciplinary Proceedings)*]
 - 5.1.1 The Chairperson of the disciplinary body should be familiar with the CDRs, *the Guidelines for Disciplinary Proceedings* (CDR Appendix A).
 - 5.1.2 The procedures before these Committees are intended to promote a hearing that is fair and expeditious under the circumstances prevailing and as simple and informal as circumstances permit, keeping in mind at all times the rights of the parties.
 - 5.1.3 A stenographic or recorded record shall be kept. If such a (or similar) record is not available, the appellate committee may remand the issue to the original hearing body to be reheard. Should a stenographic record be requested, the cost shall be borne by the party requesting the record (who must also provide, if requested, a free copy to the other party and the committee).
 - 5.1.4 The Committee shall not be bound by legal rules, whether of substantive law, evidence or procedure, and shall be liberal in receiving evidence. The receipt of evidence is not necessarily

indicative of the weight or the credit which the Committee may give it in their ultimate determination; thus, hearsay evidence and written statements may be admitted and given such weight as the Committee deems appropriate.

- 5.1.5 The Committee shall determine the use of opening and closing statements and submission of briefs and memoranda.
- 5.1.6 Pre-hearing conferences may be held relative to the narrowing or framing of issues or procedural questions relating to the matter before the Committee, if, in the Committee's or its Chair's judgment it is so warranted.
- 5.1.7 Under such terms and conditions as the Committee, in its discretion, shall deem proper it may (but shall not be required to):
 - (a) Direct pre-hearing disclosure of evidence and witnesses;
 - (b) Permit presentation of written statements for use at the hearing;
 - (c) Limit the number of witnesses to be heard;
 - (d) Clarify and define the issues to be heard; and
 - (e) Consolidate proceedings where the parties or the issues are the same.
- 5.1.8 The hearing may be adjourned from time to time for good cause shown, upon the application of a party or upon its own motion.
- 5.1.9 There shall be no automatic challenges to committee members. There may be challenges for cause, such as bias. In such cases the balance of the committee shall decide the validity of the challenge.
- 5.1.10 Other than as provided in the CDR, the party accused shall not be entitled to prehearing discovery as might be provided in civil litigation.
- 5.1.11 Representation on behalf of ACBL Disciplinary Bodies of Original and Appellate Jurisdiction may be provided at cost to the disciplinary body, as follows with the only requirement being that the representative at the hearing shall not be a member of the ACBL Board of Directors:
 - (a) In matters before TDCs, the DIC may appoint a

representative to be an advocate of the complainant or may appoint a representative to be a neutral presenter of facts.

- (b) In matters before Unit or District Disciplinary Committees, the Unit or District President may appoint a representative to be an advocate of the complainant or may appoint a representative to be a neutral presenter of facts.
- (c) In matters before the Ethical Oversight Committee, ACBL Management may appoint a representative to be an advocate of the complainant or may appoint a representative to be a neutral presenter of facts.
- (d) In matters before District Appeals, the District President may appoint a representative to be an advocate of the complainant or may appoint a representative to be a neutral presenter of the matters on appeal.
- (e) In matters before Appeals and Charges Committee, ACBL Management may appoint a representative to be an advocate of the complainant or may appoint a representative to be a neutral presenter of facts.

5.1.12 If a complaint against a person based on the person's sexual harassment of a full-time or part-time ACBL employee or a unit or district tournament employee, is brought before an ACBL Disciplinary Body or to the Director-in-Charge (DIC) of a sectional or higher rated tournament, the Disciplinary Body or the DIC shall immediately forward the matter, in writing, to ACBL Management for action as follows:

- (a) ACBL Management shall expeditiously investigate the matter referred, including interviews of the complainant and accused, and make a decision to:
 - Exonerate the accused and take no action.
 - Require counseling
 - Impose a warning, which, although not a discipline, shall be maintained in the person's disciplinary file and may be used as evidence if future complaints of sexual harassment are made against this person.
 - Impose a reprimand.
 - Impose probation.
 - Impose suspension.
 - Impose expulsion.

- Any combination of the above.
- (b) A written notice of the decisions of ACBL Management and the reasons therefore shall be provided to the accused person and the Appeals and Charges Committee.
 - (c) At its first meeting subsequent to an ACBL Management decision to impose discipline, the Appeals and Charges Committee shall make an automatic review of the discipline imposed by ACBL Management. Such reviews shall be consistent with the procedures at appellate review, except that the accused party shall be entitled to present evidence and witnesses at the review hearing and ACBL Management shall be entitled to present evidence and witnesses in response thereto.
- 5.1.13 All disciplinary actions are a matter of record. In order that a disciplinary action be considered in imposing probation under CDR 4.2, a report must be filed with ACBL Management.
- 5.1.14 All formal written notifications of an ACBL disciplinary body's decision shall be made by ACBL Management upon receipt of the written decision of the disciplinary body. The effective date for the purpose of appeal of the decision shall be the date on which ACBL management mails such decision to the parties to the hearing.
- 5.1.15 The effective date of imposition of discipline, if any, of an ACBL disciplinary body's decision shall be the date noted in the disciplinary body's written decision. If the discipline is to take effect immediately, the disciplinary body shall immediately notify the disciplined party in writing, provided that the formal written notice to the parties set forth in Section 5.1.14, including the date for appeal, shall also be made. If no effective date is so specified, the effective date of imposition of discipline shall be five (5) days from the date of the mailing of the decision by ACBL Management. When the discipline imposed includes both a period of suspension and a period of probation, the suspension is to be served first followed immediately by the period of probation.
- 5.2 Disciplinary Procedures for the Ethical Oversight Committee and Unit, District and ACBL Disciplinary Committees.
- 5.2.1 A complaint requesting a disciplinary hearing must be made in writing to the appropriate entity having jurisdiction, i.e. Unit, District, or ACBL (see CDR 2.1, 2.2 and 2.3) within the period of

limitations described in CDR 5.2.1. (a), (b), (c) and (d) below.
Note: A complaint is the only basis for an official charge to a disciplinary body. The disciplinary body receives and acts on a charge or charges, not a complaint or complaints. (See CDR 5.2.2) There are two methods to file a disciplinary complaint based upon a single incident: One, a “Direct Complaint” may be submitted directly to the charging body having jurisdiction by any ACBL member within the time period specified in section 5.2.1(a), (c), or (d); Two, a “Recorder Complaint” may be submitted directly to the charging body having jurisdiction by any ACBL Recorder within the time period specified in section 5.2.1(b).

- (a) A Direct Complaint involving a single incident of conduct must be brought within thirty (30) days of discovery of the incident. Irrespective of the foregoing period of limitations, the subject of a complaint is permitted to file a cross-complaint related to the original incident against the complainant within fifteen (15) days of written notification that there has been a charge filed against him or her.
- (b) A Recorder may file a Recorder Complaint involving a single incident of conduct within thirty (30) days of receipt by the Recorder of a player memo, if and only if such player memo is submitted to the Recorder within (30) days of the incident.
- (c) A complaint involving a pattern of conduct must be brought within five (5) years of the earliest instance referenced in the complaint.
- (d) A complaint involving the conveying of information by unauthorized means, whether within a partnership or not (see Law 73.B.2), is not subject to a statute of limitations.

5.2.2 An initial charge based upon a complaint must be brought expeditiously by the charging party of the organization having jurisdiction. (See CDR 2.) If the organization has failed to designate an individual (who may not be the recorder), the president is the charging party. No person sitting on the organization's disciplinary committee should be the charging party. The president or designee shall remain the charging party in the event that the organization itself is the complainant. The charging party in deciding to bring a charge must answer "yes" to the following three (3) questions:

- (a) Is there prima facie evidence that the complaint has some validity (that there was misconduct)?
- (b) Does ACBL have jurisdiction?
- (c) If found responsible, would the disciplinary committee be obligated to issue a discipline?

5.2.3 A person charged with a violation of CDR 3 shall be entitled to:

- (a) Receive written notice of the date, time, and place of hearing. Should a person admit to a charge, a hearing shall be held in order to determine and impose appropriate discipline.
- (b) Be furnished with a written statement of the charge(s), the complaint upon which the charges are based or a summary of the facts of said complaint, and the name of the complainant(s).
- (c) For hearings at the Unit or District level or any Tournament Disciplinary Committee, be represented at the hearing by another person who shall not be an attorney or a member of the ACBL Board of Directors. The person charged may be represented by an attorney outside the hearing room.
- (d) For hearings at the ACBL Ethical Oversight, Disciplinary and Appeals and Charges Committees be represented at the hearing by another person who shall not be a member of the ACBL Board of Directors.
- (e) Produce evidence and make statements on his/her own behalf.
- (f) Be present during the entire hearing, except during procedural determinations and deliberation on verdicts and sentencing.
- (g) Question persons testifying through the Chair at the Chair's discretion.

5.2.4 All disciplinary bodies may allow reasonable adjournments or continuances consistent with the time available to the disciplinary body.

5.2.5 Required Appearance at Hearings

- (a) All complainants and/or the complainants' advocate are required to appear in person or by telephone. Failure to appear may be grounds for discipline.
 - (b) When a committee chairperson determines (upon request by either the complainant or the charged person or persons) that a witness' testimony is critical to a hearing, then such a witness is required to appear or provide a signed statement. *Failure to appear at the hearing in person, by telephone or to provide a signed written or electronic statement shall be grounds for discipline, unless reasonable cause is provided to the committee chairperson for such failure. "Reasonable cause" shall be liberally construed.*
- 5.2.6 Charged persons are not required to appear and their failure to appear shall not be grounds for further discipline.
- 5.2.7 A person's past ACBL discipline which is a matter of record, should such exist, may not be considered in establishing guilt but may be relevant to the discipline to be imposed if the person is found guilty. (See CDR Appendix B.)
- 5.2.8 The disciplined person, complainant or ACBL Management may file an appeal with the appropriate appellate body. The disciplined person and the complainant, if any, are to be informed by ACBL Management of this right in writing and in a timely manner along with notification of the name and address of the chairman of the appropriate appellate committee. (See CDR 7.)
- 5.2.9 Unless an incident reported on a player memo is included in the complaint and/or the charge(s), neither a player memo nor evidence regarding the incident noted on a player memo may be considered by the hearing committee in establishing guilt. In determining the severity of the discipline, a player memo within the past ten years may be used. When evaluating the relevance of these player memos, the committee should pay special attention to the completeness of the memo (i.e. whether the subject was ever notified and given an opportunity to respond), the behavior addressed in the memo and the age of the memo.
- 5.2.10 A typewritten report in a format provided by the ACBL shall be made of all hearings, including a brief summary of the facts, the committee's findings and what sanction, if any, is to be or was imposed. The report must be submitted to ACBL Management within 30 days from the conclusion of the presentation of evidence.

ACBL Management shall receive the written report and is required to provide a copy to the disciplined person and complainant.

- 5.2.11 A person who has been subjected to a disciplinary proceeding conducted under CDR 5 shall not be subject to any further proceedings by any other disciplinary body for the same matter, except pursuant to appeal and/or for additional disciplines as provided under CDR 4.2, 5.3.11, 5.3.14 and 7.
- 5.2.12 At the request of ACBL Management in matters coming before the Ethical Oversight Committee, In-House Counsel may be present to advise the Committee as to procedural matters and matters of law. The In-House Counsel shall be impartial and, in no case shall the In-House Counsel act as an advocate for the ACBL or anyone appearing before the Committee.
- 5.2.13 When Management receives a hearing report in which the committee has imposed a discipline that contravenes or is inconsistent with the CDR, ACBL Management shall notify the committee chairperson in writing. The committee shall then reconvene on the matter of imposition of discipline.

5.3 Procedures Specific to Tournament Disciplinary Committees

- 5.3.1 Disciplinary procedures at tournaments are intended to be expeditious. Matters heard by a TDC involving tournament discipline shall be heard and the hearing conducted at or immediately after the tournament in which the event(s) involving the discipline took place. Refer to Sections 5.3.2 through 5.3.14 for procedures specific to tournament disciplinary proceedings.
- 5.3.2 A disciplinary complaint involving events at a tournament must be made by a participant in the tournament, by the sponsoring organization's recorder or by the Director in Charge ("DIC") or his or her designee, which designation must be written (See CDR 5.3.4 when the subject of a complaint or a charged person is no longer at the tournament.). An initial charge to the TDC must be brought by the DIC or his or her designee (the charging party). A decision by the DIC not to bring a charge before a TDC is final, provided that a party may take his or her complaint to the Unit or District having

jurisdiction. The Director in Charge or his or her designee shall be the charging party even when the Director in Charge or a staff member is the complainant. The charging party in deciding to bring a charge must answer "yes" to the following three (3) questions:

- (a) Is there prima facie evidence that the complaint has some validity (that there was misconduct)?
- (b) Does ACBL have jurisdiction?
- (c) If found responsible, would the Disciplinary Committee be obligated to issue a discipline?

5.3.3 All complainants or the complainants' advocates are required to appear. Failure to appear may in itself be grounds for discipline.

5.3.4 Persons charged are not required to appear and their failure to appear shall not be grounds for further discipline.

(a) A complaint about a participant who is no longer at the jurisdiction of the tournament will be reviewed by the DIC in accordance with CDR 5.3.2 above to determine whether to make charges to the appropriate disciplinary body as noted in CDR 5.3.4 (b) below.

(b) A complaint and consequent charge against a person who is no longer at the jurisdiction of the TDC shall be sent to the appropriate disciplinary body for a hearing as follows:

- i. From a sectional tournament or sectional-level event to the unit disciplinary committee of the unit in which the sectional was held.
- ii. From a regional tournament or regional-level event to the district disciplinary committee of the district in which the regional was held.
- iii. From a North American Bridge Championship (NABC) or an NABC-level event sponsored by ACBL to the ACBL Disciplinary Committee.

5.3.5 When a Tournament Director or committee chairperson determines (upon request by either the complainant or the charged person or

persons) that a witness' testimony is critical to a hearing, then such a witness is required to appear or provide a signed statement. Failure to appear at the hearing in person, by telephone or to provide a signed written or electronic statement shall be grounds for discipline, unless reasonable cause is provided to the Tournament Director or the committee chairperson for such failure. "Reasonable cause" shall be liberally construed.

5.3.6 A person charged with a violation under CDR 3 shall be entitled to (See CDR 6.1 and 6.2 following):

- (a) Receive written notice of date, time and place of hearing. Should a person admit to a charge, a hearing shall be held in order to determine and impose discipline.
- (b) Be provided a written statement of the charge(s), the complaint upon which the charges are based or a summary of the facts of said complaint, and the name of the complainant(s).
- (c) Be represented at the hearing by another person who shall not be an attorney or a member of the ACBL Board of Directors. The person charged may be represented by an attorney outside the hearing room.
- (d) Produce evidence and make statements on his or her behalf.
- (e) Be present during the entire hearing, except during procedural determinations and deliberation on verdicts and sentencing.
- (f) Question persons testifying through the Chair, and at the Chair's discretion.

5.3.7 Discipline imposed by a TDC for all or part of that tournament may not be stayed. Any discipline that survives the tournament may be stayed in accordance with CDR 8. Discipline not stayed shall be expunged if the decision of the Tournament Disciplinary Committee is reversed.

5.3.8 A person's past ACBL disciplinary sanctions which are a matter of record, should one exist, may not be considered in establishing guilt but may be relevant to the severity of the discipline to be imposed if the person is found guilty.

- 5.3.9 Unless an incident reported on a player memo is included in the complaint and/or the charge(s), neither a player memo nor evidence regarding the incident noted on a player memo may be considered by the hearing committee in establishing guilt. In determining the severity of the discipline, a player memo within the past ten years may be used. When evaluating the relevance of these player memos, the committee should pay special attention to the completeness of the memo (i.e. whether the subject was ever notified and given an opportunity to respond), the behavior addressed in the memo and the age of the memo.
- 5.3.10 The disciplined person, complainant or ACBL Management may file an appeal with the appropriate appellate body. If present, the disciplined person and the complainant, if any, are to be informed of this right at the conclusion of the hearing along with notification of the name and address of the chairman of the appropriate appellate committee. After receiving the report of the hearing, the disciplined person and complainant shall be apprised expeditiously of this right in writing by ACBL Management. (See CDR 8.)
- 5.3.11 A suspension or probation imposed by a TDC shall not exceed ninety (90) days nor may a probation additional to a suspension exceed ninety (90) days.
- 5.3.12 When a discipline imposed exceeds the permitted disciplinary limits it shall be valid only to the extent set forth in CDR 5.3.11.
- 5.3.13 Any discipline surviving the tournament imposed by a TDC shall commence immediately following the tournament.
- 5.3.14 When the TDC determines the charged person has committed an offense which may warrant a discipline exceeding ninety (90) days, the TDC, after imposing either a suspension of ninety (90) days or probation of ninety (90) days or both under CDR 5.3, shall refer its report with its recommendations via ACBL Management to:
- (a) The Unit having jurisdiction when the action occurred during a Sectional tournament.
 - (b) The District having jurisdiction when the action occurred during a Regional tournament.
 - (c) The ACBL Disciplinary Committee when the action occurred during a North American Bridge Championship

tournament or other event sponsored by ACBL.

- (d) The sponsoring organization having jurisdiction when the infraction occurred.

6. Suspension Pending Hearing

6.1 When charge(s) have been made, a person so charged may play in an ACBL sanctioned event pending hearing unless otherwise directed by the chairperson of the committee which will be hearing the charge(s) or by the Director-in-Charge of a Sectional or higher-rated tournament when a charge is to be heard by a tournament disciplinary committee. When charges have been brought by a National Bridge Organization, the World Bridge Federation, or one of the Zonal organizations of the WBF, a person so charged may play in an ACBL sanctioned event pending hearing unless otherwise directed by the CEO of the ACBL. Such suspension pending hearings should be rarely issued and only in extreme cases or when a hearing is delayed due to the fault of the person charged. A suspension pending a hearing may not be appealed.

6.2 When suspension pending hearing is directed by:

6.2.1 A Unit level disciplinary body, the hearing must commence within twenty (20) days, unless the person charged causes a delay.

6.2.2 A District level disciplinary body, the hearing must commence within sixty (60) days, unless the person charged causes a delay.

6.2.3 6.2.3 The Director-in-Charge of a Sectional or higher-rated tournament, the hearing must commence no later than 60 minutes after the conclusion of the final session the day after the suspension was imposed or no later than 60 minutes after the conclusion of the final session of the tournament whichever is earlier unless the person charged causes a delay. If the matter is not heard at the tournament, the suspension is lifted and the matter is referred to the appropriate Unit or District to be heard.

6.2.4 For the ACBL Appeals and Charges Committee, ACBL Disciplinary Committee or Ethical Oversight Committee the hearing must commence at the next ensuing ACBL Board of Directors' meeting or North American Bridge Championship consistent with adequate notice, unless delay is caused by the person charged.

7. Appeal Procedures

7.0 Appeals to the Unit

7.0.1 An ACBL member barred from an ACBL sanctioned club game in accordance with the regulations in Chapter 4, Section Three, IV, H. of the ACBL Handbook of Rules and Regulations (discriminatory or extended barring) may file a written appeal with the disciplinary committee chairperson of the unit of the geographical territory in which the game is operated.

7.0.2 Written notice of appeal must be made within thirty (30) days following the notice of the barring being appealed. In order for an appeal to be granted by the Unit Disciplinary Chairperson and considered by the Unit Disciplinary Committee, a written statement must accompany the appeal, which shall provide an allegation that at least one (1) of the following exists:

(a) For an appeal of an extended barring, the appellant must allege that the reason for the barring has no basis in fact.

(b) The barring was due to one or more of the discriminatory reasons listed in the ACBL Handbook of Rules and Regulations, Chapter 4, Section Three, IV, H.

7.0.3 This appeal shall be conducted as an original hearing in that the appellant may present evidence to support the allegations noted in the appeal. In order to be successful, the appellant's allegations must be considered to be proven by a preponderance of the evidence.

7.1 Appeals to the District:

7.1.1 A disciplined person, a complainant or ACBL Management may file a written appeal with the District Appellate Committee and/or the District President or their designee from:

(a) A decision of TDC at a tournament held in that District.

(b) A decision of a Unit's Disciplinary Committee. Such Unit must be located within the geographical area of the District.

(c) A decision of that District's Disciplinary Committee.

7.1.2 Written notice of appeal must be made within thirty (30) days

following the mailing of the written notice of the ruling being appealed. In order for an appeal to be granted by the District Appellate Chairperson and considered by the District Appellate Committee, a written statement which shall provide an allegation that at least one (1) of the following exists, must accompany the appeal:

- (a) The decision is not supported by the weight of the evidence.
- (b) Procedures inconsistent with the CDR which affected the substantial rights of the appellant or which undermine confidence in the integrity or fairness of the disciplinary determination.
- (c) Discipline inappropriate.
- (d) One (1) or more person(s) on the hearing panel having a bias, which affected the decisions of the panel, when objection to such bias was raised at the hearing.

7.1.3 The District shall hear and decide appeals expeditiously.

7.1.4 The decision of the District shall be in writing and must be submitted to ACBL Management within 30 days from the conclusion of the presentation of argument.

7.2 Appeals to Appeals and Charges Committee:

7.2.1 A disciplined person, a complainant or ACBL Management may file an appeal with the Chairman of the Appeals and Charges Committee from: (see also 7.2.2 and 7.5 below)

- (a) A decision of the Ethical Oversight Committee.
- (b) A decision of the District Appellate Committee.
- (c) A decision of the ACBL Disciplinary Committee.

7.2.2 The original hearing committee may file an appeal of the decision of the District Appellate Committee.

7.2.3 A written notice of appeal must be given to the Appeals and Charges Committee within thirty (30) days following the mailing of the notice of the ruling. In order for an appeal to be granted by the Appeals and Charges Committee Chairperson and considered

by the Appeals and Charges Committee, a written statement must accompany the appeal which shall provide an allegation that at least one (1) of the following exists:

- (a) The decision is not supported by the weight of the evidence presented at the hearing held by a disciplinary body (i.e. not an appellate body).
- (b) Procedures inconsistent with the CDR.
- (c) Discipline inappropriate.
- (d) One (1) or more person(s) on the hearing panel having a bias which effected the decisions of the panel, when objection to such bias was raised at the hearing.

7.2.4 The Appeals and Charges Committee shall hear and decide appeals expeditiously.

7.2.5 Decisions of the Appeals and Charges Committee shall be in writing and shall be final. All decisions shall be reported to the ACBL Board of Directors within 30 days from the conclusion of the presentation of argument and, thereafter, to all parties.

7.2.6 All disciplinary cases where:

A suspension of one (1) year or longer is imposed, or

Expulsion is imposed, or

A discipline for an ethical violation is imposed;

shall be automatically reviewed by the ACBL Appeals and Charges Committee within six months of receipt of the decision by the ACBL. On such automatic review, the Appeals and Charges Committee may increase or reduce discipline as well as affirm, reverse or modify the disciplinary determination or remand for further proceedings. The Appeals & Charges Committee shall not conduct a new hearing, but shall review the previous hearing to ensure that: (1) procedures were followed in accordance with the CDR; (2) the decision and discipline imposed was supported by the evidence; and (3) a fair hearing was conducted. The Appeals & Charges Committee may increase or reduce the discipline imposed.

7.3 Appeals to the ACBL Disciplinary Committee:

7.3.1 A disciplined person, a complainant or ACBL Management may

file an appeal with the Chairman of the ACBL Disciplinary Committee from a decision of an NABC tournament disciplinary Committee.

- 7.3.2 A written notice of appeal must be given to the ACBL Disciplinary Committee within thirty (30) days following the mailing of the notice of the ruling. In order for an appeal to be granted by the ACBL Disciplinary Chairperson and considered by the ACBL Disciplinary Committee, a written statement must accompany the appeal which shall provide an allegation that at least one (1) of the following exists:
- (a) The decision is not supported by the weight of the evidence.
 - (b) Procedures inconsistent with the CDR.
 - (c) Discipline inappropriate.
 - (d) One (1) or more person(s) on the hearing panel having a bias which effected the decisions of the panel, when objection to such bias was raised at the hearing.
- 7.3.3 The ACBL Disciplinary Committee shall hear and decide appeals expeditiously.
- 7.3.4 The decision of the appeals (when meeting as an appellate body) shall be in writing and must be sent to ACBL Management within 30 days from the conclusion of the presentation of argument.
- 7.4 Appeals will be considered on the record made in prior hearings. No new evidence shall be allowed. A person's past disciplinary record, should one exist, may not be considered in review of the merits of the decision being appealed, but may be considered as to the severity of the sentence under review.
- 7.5 The disciplinary body is a party to any appeal taken from its action. The appellate body may permit persons other than the parties to the appeal to participate in the appeal. During the deliberations of the appellate body no additional persons other than In-House Counsel may be present.
- 7.6 An appellate body may: (i) affirm or reverse the decision; (ii) modify, reduce or increase the discipline being appealed; and (iii) remand the matter to any committee which previously heard the matter. An appellate body may not conduct a new hearing.
- 7.7 Each party to an appeal or review under this CDR 7 shall be entitled to:
- 7.7.1 Receive written notice of date, time and place of the appeals hearing.

- 7.7.2 For hearings at the Unit or District level or any Tournament Disciplinary Committee, be represented at the hearing by another person who shall not be an attorney or a member of the ACBL Board of Directors. The person charged may be represented by an attorney outside the hearing room.
- 7.7.3 For hearings at the ACBL Ethical Oversight, Disciplinary and Appeals and Charges Committees, be represented at the hearing by another person who shall not be a member of the ACBL Board of Directors.
- 7.7.4 Make statements on his or her behalf.
- 7.7.5 Be present during the entire hearing, except during procedural determinations and deliberation on verdicts and sentencing.
- 7.7.6 Question persons testifying through the Chair, at the Chair's discretion.
- 7.7.7 All appeals heard under this section shall be heard by a committee of at least three persons.
- 7.8 In matters coming before the Appeals and Charges Committee, In-House Counsel shall be present at all times to advise the Committee as to procedural matters and matters of law. The In-House Counsel shall be impartial and, in no case, shall the In-House Counsel act as an advocate for the ACBL or anyone appearing before the committee.

8. Stays of Execution of Discipline Pending an Appeal

- 8.1 The mere filing of a notice of appeal does not stay execution of a discipline.
- 8.2 A stay pending an appeal may be granted only on written request which will include the reasons for the request. Once granted, neither the appeal nor the request for the stay may be withdrawn. The foregoing does not affect the power of the grantor to modify or vacate the stay.
- 8.3 A stay may be granted only if the appellant makes a showing that a reasonable likelihood exists that the verdict will be reversed or that the discipline will be reduced.
- 8.4 A stay of execution pending the disposition of an appeal may be granted by:
 - 8.4.1 The Chairman of the District Appellate Committee, when the appeal is to the district.

8.4.2 The Chairman of the Appeals and Charges Committee, when the appeal is to the Appeals and Charges Committee.

8.4.3 The Chairman of the ACBL Disciplinary Committee, when the appeal is to the ACBL Disciplinary Committee.

9. Disciplines and Procedures.

9.1 When it is alleged that a Unit has violated ACBL, District, or its own bylaws or regulations, has acted in an illegal or improper manner, or has improperly failed to act upon a disciplinary complaint, a member, or group of members, or Unit or District may bring the matter directly to the District Disciplinary Committee to request a hearing. The District Disciplinary Committee may decide not to conduct a hearing if it finds that the case does not warrant any action or the matter was dealt with in a reasonable manner at the Unit level.

9.1.1 The disciplinary body takes the following actions or a combination of the actions in its resolution of the matter:

- (a) Issue a warning to cure a deficiency and notify the ACBL Board of Directors that unless the deficiency is cured by a certain date that it should take action against the unit's charter..
- (b) Recommend that the ACBL Board of Directors take action against the charter of the unit.
- (c) Decide the complaint upon which the unit failed to act.

9.1.2 An appeal of a decision of the District Disciplinary Committee against or for a unit as above shall be submitted to the ACBL Appeals and Charges Committee as a CDR 9.2 action. A decision against or for an individual or individuals shall be submitted to the District Appellate Committee as required in CDR 7.1.

9.2 When it is alleged that a District has violated ACBL or its own bylaws or regulations, or has acted in an illegal or improper manner, or has improperly failed to act upon a complaint, a Unit, a member, or group of members may bring the matter directly to the ACBL Board of Directors' Appeals and Charges Committee to request a hearing. The Appeals and Charges Committee may decide not to conduct a hearing if it finds that: the case does not warrant any action; or the matter was dealt with in a reasonable manner at the District level; or the matter lacks significance to warrant a hearing.

9.3 When it is alleged that the Board of Directors has violated ACBL bylaws or regulations, a member or group of members may bring the matter directly to a Special ACBL Committee ("Special Committee") consisting of the ACBL President, the ACBL Chief Executive Officer and the In-

House Counsel to request a hearing. The Special Committee may decide not to conduct a hearing if it finds that the case does not warrant any action.

- 9.4 A member who resigns his/her membership in the ACBL to avoid possible disciplinary action for unethical conduct may not thereafter participate in any National, District, Unit, sanctioned game or other ACBL activity, including but not limited to:
- (i) acting as non-playing captain,
 - (ii) kibitzing any game or event,
 - (iii) being physically present at the site of a tournament,
 - (iv) participating in the corporate or business affairs of any ACBL affiliated organization.

- 9.5 Readmission of members who have resigned or who have been expelled.

9.5.1 A member who resigns to avoid possible disciplinary action may be readmitted to membership only by the ACBL Board of Directors. Further, no application for readmission may be considered before ten years from the date of resignation and thereafter only once every three years. The Board of Directors may impose such conditions upon readmission as it deems appropriate. In addition, there shall be no statute of limitations on the possible disciplinary action related to the resignation.

9.5.2 The ACBL Board of Directors will not hear and ACBL Management is instructed not to forward to the Board any request for readmission before ten years from the date of expulsion or resignation to avoid possible disciplinary actions provided that under no circumstances will the ACBL Board of Directors hear a request for readmission in regards to a second expulsion or resignation to avoid possible disciplinary actions or combination thereof. If the individual who was expelled admits to the factual basis of the charges prior to the commencement of the hearing on those charges, he may apply for readmission after five years.

9.6 Publication of Disciplinary Cases

9.6.1 In disciplinary cases which result in a finding of guilt, ACBL policy is to publish an individual's name, ACBL Player number, the penalty imposed and the CDR code section.

9.6.2 This applies to any decisions of a Unit, District or ACBL level disciplinary committee, and of the Ethical Oversight Committee. It shall also apply to decisions made at clubs regarding ethical violations when the ACBL is made aware of the decision, but does

not apply to decisions made by a club disciplinary procedure regarding non-ethical violations.

- 9.6.3 All disciplines will be published on the website for the length of time of the discipline levied. Expulsions shall also be reported in the ACBL Bridge Bulletin.
- 9.6.4 Decisions of the Ethical Oversight Committee shall also be reported in the NABC Daily Bulletin.
- 9.6.5 For ethical violations which have a recommended sentence possible expulsion from the ACBL, (see Appendix B to this code for a list of the relevant offenses), the fact that charges have been brought will also be published on the ACBL website in the disciplinary section. The following information shall be included:

Player Name and ACBL number
CDR section alleged to have been violated
Entity hearing the charges
Hearing date.

If the player is found not guilty of the charges, this fact shall be added to this information and kept on the website for ninety days unless the player asks to have it removed sooner.

- 9.7 Any communication that occurs during the meeting of an ACBL Body (as defined below), which relates to matters that have been, are or might reasonably become subjects of business for that particular body, is privileged.
 - (a) "Privileged" shall mean communication that may not be used as the basis for any complaint under ACBL disciplinary or other regulations.
 - (b) "ACBL Body" includes the Board of Directors, any ACBL Foundation Board and any ACBL committee or sub-committee appointed by the ACBL President, by the ACBL Board or by any ACBL Board member. It shall also include the Board of Governors, any District or Unit Board within ACBL and any duly appointed or elected District or Unit committee or sub-committee.
- 9.8 The refusal of a player, pair or team to play in an ACBL sanctioned Sectional, Regional, National or Grand National event against another player, pair or team duly entered in the event shall require the disqualification of the player, pair or team so refusing to play from further participation in the event and the forfeiture of any Master Points earned by the player, pair or team in the event. Such refusal, without a medical excuse, shall constitute conduct unbecoming a member of the ACBL and shall be referred to the disciplinary body having jurisdiction for appropriate disciplinary action.

9.9 Expenses in connection with District Judiciary Committees shall not be borne by the ACBL unless specifically authorized by the ACBL.

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APPENDIX A

GUIDELINES FOR DISCIPLINARY PROCEEDINGS

(Handbook for Disciplinary Committees)

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INTRODUCTION

The purpose of these guidelines is to help the appropriate body provide fair hearings for all ACBL members charged with wrongdoing under the *CDR*. Disciplinary proceedings are not criminal trials and do not involve personal liberty or property rights. Rather, they involve the privilege of playing bridge at an ACBL-sanctioned event. These guidelines are suggested procedures, except for those in which it is specifically stated that they are mandatory, as required by the *CDR*.

Tournament disciplinary committees hear complaints of conduct and ethics (C&E) arising at that tournament. Unit and district disciplinary committees usually hear initial complaints of conduct and ethics while district appellate committees hear appeals from C&E decisions of lower jurisdictional bodies. Jurisdiction is outlined in the *ACBL Code of Disciplinary Regulations (CDR)*.

I. ACTIONS, ADVOCATE AND PRESENTER

A. COMPLAINT

A complaint is a written document in which an ACBL member alleges that another member or competitor has violated ACBL rules. It must be submitted to the appropriate unit, district or, for tournaments, the tournament director. The complaint must then be given to the charging party.

B. CHARGES

The charging party for tournaments is the Director-in-Charge or his or her designee. A charging party which receives complaints outside a tournament is selected by the Unit or District Board of Directors. If one is not selected, the president is deemed to be the charging party. When the charging party has a conflict, he or she should designate another member of the Board to act as charging party. The charges must be written and submitted by the charging party to the chair of the appropriate disciplinary committee. The person delegated to bring charges must not be the Disciplinary Committee Chair, other member of the disciplinary committee or the organization's recorder.

C. ADVOCATE

While the complainant is usually responsible for prosecuting or supporting his or her complaint, an advocate may be selected by the complainant, the Unit, the District or ACBL Management to prosecute the complaint. An advocate is the representative of the Complainant. As such, the advocate is not neutral or unbiased. The advocate is free to aggressively prosecute a complaint.

- (1) For hearings at the Unit or District level or any Tournament Disciplinary Committee, the advocate selected to appear at the hearing

shall not be an attorney or a member of the ACBL Board of Directors.

- (2) For hearings at the ACBL Ethical Oversight, Disciplinary and Appeals and Charges Committees, the advocate selected to appear at the hearing may be an attorney, but may not be a member of the ACBL Board of Directors.

D. PRESENTER

A presenter is an individual who makes or assists with an impartial presentation of evidence to a disciplinary committee upon the appointment by the committee chair. A presenter may be the recorder, tournament director or other party. The presenter may act as an aide to the disciplinary committee to ensure a fair and complete presentation of the evidence for the committee to consider. It is suggested that consideration be given to selection of a presenter when a case is complex and neither party is represented by counsel.

- (1) For hearings at the Unit or District level or any Tournament Disciplinary Committee, the presenter selected to appear at the hearing shall not be an attorney or a member of the ACBL Board of Directors.
- (2) For hearings at the ACBL Ethical Oversight, Disciplinary and Appeals and Charges Committees, the presenter selected to appear at the hearing may be an attorney, but may not be a member of the ACBL Board of Directors.

II. PERIOD OF LIMITATIONS

A complaint concerning a single incident must be filed within 30 days of that incident. A complaint concerning a pattern of actions must be filed within five years of the earliest action referenced in the complaint. A complaint involving the conveying of information by unauthorized means, pursuant to Law 73.B.2, is not subject to any period of limitations. *See CDR 5.2*

III. THE COMMITTEE

A. SELECTION

Each unit and district should have a committee whose purpose is to hear disciplinary matters. Where such a standing committee does not exist, it must be formed on a case by case basis. All members of the committee should be well-respected members of the bridge-playing community. The committee as a whole should represent the diverse makeup of the district or unit. The Unit or District Board of Directors selects a disciplinary committee chairperson and committee or establishes rules for selection of a disciplinary committee when necessary. A tournament disciplinary committee is selected by Units (for sectionals) and

Districts (for regionals) in addition to the Unit or District Disciplinary Committee.

For NABCs, the National Appeals Committee Chairperson will select a tournament disciplinary committee when required. Usually, the entire disciplinary committee will not hear the case, but rather an *ad hoc* committee selected from the disciplinary committee as a whole. Serving on a disciplinary committee is a most difficult (and important) responsibility. For most cases, committee members need not be expert players. However, it is important that each member of the committee have a reputation for integrity, honesty and unimpeachable ethics to avoid any claim of a prejudiced decision. Generally, the chairperson should have considerable experience in disciplinary matters and be sensitive to the fairness considerations affecting the disciplinary process. An odd number (usually 5) is best to avoid the possibility of deadlock on any single issue.

Committee members should come from different geographical areas when possible and be representative of the diversity of the membership of the unit or district. This will give the committee a broader base of experience, making a fair and impartial hearing more likely. No party should leave a hearing feeling disadvantaged because of the makeup of the committee. All parties should believe they had a fair hearing with a full opportunity to present their side of the issue.

B. BIAS

Every member of a committee selected to hear a particular matter must be completely unbiased as to the personalities and issues involved. Common sense should prevent most incorrect appointments. No committee member should be a regular partner, close friend, spouse, significant other or known enemy of any party, or have a business or financial association. Any committee member who has dealings with a party that might give even the appearance of impropriety should excuse him or herself from further service. However, membership in, employment by or ownership of a particular organization or business or being part of an ethnic group, race or culture shall never constitute a bias *per se*. Committee members should conduct themselves appropriately and should never discuss the matter before the hearing outside of the hearing .

If a Disciplinary Committee member feels unable to act impartially at a hearing, he or she should ask to be excused. If there is an appearance of possible partiality (See I.B), the committee should either excuse the member from the hearing or discuss the matter with the parties involved to determine if they object to the presence of that person on the committee. The committee as a whole is the sole determiner of the eligibility of committee members.

C. COMMENTS BY COMMITTEE MEMBERS

1. Prior to the Hearing

Committee members must not discuss any substantive matter pertaining to the

case with anyone. This prohibition includes other members of the committee and parties to the case as well as "third" parties.

2. During the Hearing and Deliberations

At this time committee members may discuss the issue only with other committee members, staff to the committee and parties to the matter.

3. Post Hearing

Once the committee has made a decision which has been communicated to the parties and other notifications have been distributed, the committee members may relate the findings and discipline imposed. A committee member may not discuss the committee's deliberations. See CDR 3.22.

IV. PREHEARING PROCEDURES

A. NOTIFICATION

The parties involved, including the complainant and charged member, must receive timely written notice of the date, time and place of the hearing, be furnished with written charges, and be advised of their right to be represented by counsel.

- (1) For hearings at the Unit or District level or any Tournament Disciplinary Committee, the counsel selected to appear at the hearing shall not be an attorney or a member of the ACBL Board of Directors. The person charged may be represented by an attorney outside of the hearing room.
- (2) For hearings at the ACBL Ethical Oversight, Disciplinary and Appeals and Charges Committees, the counsel selected to appear at the hearing may be an attorney, but may not be a member of the ACBL Board of Directors.

Suggested forms are available at the ACBL web page at www.acbl.org. The chairperson of the committee hearing the matter must verify that appropriate notices have been sent. Notice sent by email shall include a request to confirm receipt of the notice by return email. If no confirmation is received within seven days of the notice, a written notice shall be sent via the U.S. Postal Service.

B. DOCUMENTATION

Since discussions and considerations at hearings of appeals of disciplinary sanctions are based primarily on the facts determined by the committee imposing the sanction(s), it is extremely important that detailed records be kept of all proceedings and testimony given at disciplinary hearings. A recorded record is

mandatory. A court reporter may be used. *See CDR 5.1.3.* The chairperson should attempt to provide for the best record keeping permitted by circumstances. At the very least, one or more members of the committee should be charged with the task of keeping good written records. The Chairperson should ensure that any such records are sent to ACBL Headquarters, along with a typed report of the hearing, for safekeeping in the event of future need. As stated above the final hearing report should be typed in order that it is legible in the event the decision is appealed.

C. PRE HEARING CONFERENCE

The committee or the committee chairperson may hold a pre-hearing conference to narrow or frame procedural questions that relate to the matter before it. At this conference the committee or the committee chairperson also may direct the disclosure of evidence, and permit the presentation of affidavits for use at the hearing. In cases in which numerous witnesses and affidavits are involved, disciplinary committees are encouraged to require an exchange of witness lists affidavits prior to the hearing. This disclosure or exchange does not require the party to present the witnesses at the hearing. In addition, when more than one party is charged in the same situation, or when one party is charged in several situations, the proceedings may be consolidated.

D. INTERPRETERS AND DISABILITIES

The committee should consider whether any person is at a disadvantage because he or she does not understand English. The chair should make a good faith effort to ensure that this person fully understands what others say and that everyone understands what this person says. If there was no opportunity to arrange for an interpreter, then in appropriate cases the committee should postpone the hearing to provide that opportunity. The committee should also undertake a good faith effort to ensure that any physical or mental disability will not be a disadvantage. In appropriate cases the committee should postpone the hearing.

V. HEARING PROCEDURES

A. PRESENCE AT HEARING

The complainants and the people charged and/or their counsels, subject to the restriction of IV.A., above are entitled to be present while all evidence is given. Other individuals may remain at the hearing only at the discretion of the chairperson.

B. CHAIRPERSON IN CHARGE

After calling the hearing to order, the chairperson should clarify to all parties that the chairperson is in charge and that no one is to speak unless recognized by the

chair. After introducing all individuals present to each other, the chairperson then explains how the hearing will proceed.

C. INTRODUCTIONS

Introductions are the first order of business. The committee chairperson should:

1. Give his or her full name and home city;
2. State that the chair will function as the presiding officer;
3. Request that all questions and comments be directed to the chair;
4. Have the other committee members introduce themselves;
5. Have the parties, including their advocates, introduce them.

D. CHAIRPERSON STATEMENTS TO COMMITTEE

The committee chairperson addresses the committee members as follows: "If there is any reason why you feel you should not serve on this committee, please recuse yourselves now." "If you believe you can serve and make an unbiased decision, but you know of conditions or circumstances that may be perceived as creating potential bias or perceived as such, please disclose those issues now."

The committee chairperson then addresses the parties to the appeal and the committee as follows: "If any member of this committee or party to the appeal has cause to believe that a committee member should not serve, you must raise the issue or issues now." (If there is any objection, see section III.B. below.)

E. PRESENTATION OF CASE

The chairperson should read the complaint. At a tournament, a tournament director who might also be a witness in the case presents most cases to the committee. At a Unit or District hearing, the case will have been referred to the committee by the charging party (the President or a designee who may not be the recorder).

In the absence of a presenter, the chair will provide an opportunity for each side to present its case. The committee should hear the evidence, first in support of the complaint and then on behalf of those charged, followed by rebuttal by either side, as necessary. (See discussions on evidence in the Appeals Committee Handbook.)

F. WITNESSES

Next, witnesses may be questioned by the party (or counsel) who calls them, by the other party (or counsel), the presenter, and by the committee members. At his

or her discretion, the chair may sequester one or more witnesses; that is, allow them to attend the hearing only while giving testimony and caution them against discussing the case until the hearing is completed.

G. DELIBERATIONS

After hearing all testimony the committee considers the case in a closed session; these deliberations are privileged. The standard for determining guilt is that the complainant's case be supported by a preponderance of the evidence. Any allegation that the Charged Party has committed an ethical violation must be proved by Comfortable Satisfaction (see VII). A simple majority decision prevails.

H. DISCIPLINE

If the committee arrives at a decision of guilt, the committee shall then determine what discipline to impose. The CDR should be consulted, along with the list of ACBL Sanction Guidelines (See CDR Appendix B). The committee should examine the previous record of the guilty party before determining discipline. This information may be obtained by having the guilty person fill out the provided form listing previous disciplines and/or consulting with ACBL Headquarters prior to or after the determination of guilt.

I. REFERRAL TO TOURNAMENT COMMITTEE

Before a disciplinary committee at a tournament can refer a matter to a higher disciplinary body for further discipline (when it feels such additional discipline is warranted), the referring committee must impose a maximum discipline permitted by a tournament disciplinary committee (90 days suspension or 90 days probation or both).

VI. POST-HEARING PROCEDURES

A. NOTIFICATION OF DISCIPLINE

When the disciplinary body imposes sanctions to be effective immediately, it is mandatory that such disciplinary body shall immediately notify the disciplined party of the sanction in writing, stating its effective date. The disciplined party or parties and the complainant shall also be told of the right to appeal and the disciplined party's right to request a stay of discipline pending the outcome of an appeal. The official Notice of Discipline and the official Notice of Appeal and Stay Rights will be sent by the ACBL Disciplinary Coordinator when hearing documents are received from the hearing committee chairman. The 30-day period during which an appeal may be filed will start from the date on which the ACBL Disciplinary Coordinator's official notices are mailed.

B. REPORT TO ACBL

It is mandatory that the disciplinary body send to ACBL Headquarters at the same time: 1) a full typed report of the hearing; and 2) a copy of the written decision, if any, sent to the disciplined party of parties. The report must be sent within thirty (30) days from the conclusion of the presentation of evidence.

Note: The Hearing Report can be found at www.acbl.org – go to Rules and Regulations on the left column of the Home page, then scroll down to the form.

VII. EVIDENCE

To find a person guilty requires a simple majority of the committee. It shall be the burden of the complainant to prove by a preponderance of the evidence that the charged party has committed the CDR violation(s) upon which that party is charged. It is not necessary that the evidence be proved beyond a reasonable doubt. If a committee member finds that the evidence of guilt is more convincing than the evidence opposed to it then that committee member should find the charged person guilty. However, any allegation that the Charged Party has committed an ethical violation must be proved by Comfortable Satisfaction.

VIII. PRINCIPLES OF EVIDENCE AT HEARINGS

A. EVIDENCE WHICH MAY BE USED AT A HEARING

1. ACBL is a membership organization whose governing body sets its own rules. Committees are not courts of law, so the rules of evidence applicable to courts of law and other legal tribunals do not apply to committees.
2. Any relevant evidence, including hearsay, shall be admitted if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the admissibility of such evidence in a court of law. We may roughly define hearsay evidence as a statement made by another person offered for the truth of the statement.
3. While a committee should permit hearsay evidence, the weight given the hearsay evidence should be less than the weight given direct testimony. The reason is that it is not as reliable as direct testimony and there is no effective way to question it. This often means we have no way to be certain it is really true.
4. The committee should consider relevant any evidence that bears on an issue before it. If particular testimony makes any contested fact or factual inference more or less likely, then that particular testimony is relevant and the committee should hear it. A committee should not allow testimony that fails this test because hearing it is a waste of time and may be prejudicial

B. BURDEN OF PROOF

The complainant has the responsibility to prove the issue by presenting a preponderance of the evidence. *See definition of "preponderance of the evidence" in the CDR definitions section.* However, any allegation that the Charged Party has committed an ethical violation must be proved by Comfortable Satisfaction. *See definition of "Comfortable Satisfaction" in the CDR definitions section.*

C. TYPES OF EVIDENCE

1. When used to prove a proposition, direct evidence means that we require no inference to prove the proposition. Circumstantial evidence requires an inference to prove the same proposition. Neither type of evidence is necessarily more convincing. A committee member can discount direct evidence about an automobile going through the intersection while the light is green if the witness proves to have an uncertain memory. Committee members should evaluate all direct and circumstantial evidence to decide which evidence is more credible and entitled to more weight under the circumstances of that particular hearing.

2. Demonstrative evidence is an object or tangible item. Its probative value depends on its connection to the other evidence produced in the hearing.

D. CREDIBILITY AND WEIGHT

1. Credibility is the extent to which a witness is believable.

2. Witnesses usually testify to the truth, as they perceive it. If two people testify to the opposite, such as whether a traffic light was green or red, one must be wrong. However, both could firmly believe they are correct and the other wrong.

3. Weight is the degree to which credible evidence controls the ultimate decision of the committee. Weight is the importance assigned to the particular evidence.

4. Sometimes a party may present evidence that is irrelevant. At his or her discretion, the chairperson may limit irrelevant testimony.

IX. APPELLATE PROCEDURES (DO NOT APPLY TO HEARINGS)

A. BASIS FOR HEARING

The hearing shall be based upon the record of the original hearing body. New evidence may not be admitted. Therefore, the committee should be especially careful when receiving arguments to ensure that "new" material, if submitted, is

not considered.

B. PARTIES TO AN APPEAL

1. Complainant.
2. Person Disciplined.
3. Previous Hearing Bodies.

C. AUTHORITY

An appellate body may:

1. Affirm or reverse the previous decision.
2. Modify, reduce or increase the previous discipline.
3. Remand the matter to any committee that previously heard the matter.

An appellate body may not hear a case *de novo*. To have a case reheard it must be remanded.

APPENDIX B

ACBL DISCIPLINARY SANCTION GUIDELINES

The list below represents the recommended discipline and mandatory masterpoint penalties which are imposed by a committee after rendering a decision which finds a member guilty of a conduct or ethical violation. The first column entitled “OFFENSE” sets forth the offense by Code of Disciplinary Regulations (“CDR”) Section. The second column entitled “RECOMMENDED DISCIPLINE” is a guide for discipline to be imposed and is not mandatory nor intended to be an exhaustive list of all possible infractions. The third column entitled “MANDATORY MASTERPOINT PENALTIES” represents a range of masterpoints which must be deducted in accordance with the offense for which the member is found guilty.

A committee may find that there has been a violation of the CDR for which there is no sanction guideline cited in this Appendix. In such cases, the committee is free to impose on a guilty defendant whatever punishment it deems is appropriate from options described in CDR Section 4. However, a disciplinary committee, which imposes a sanction which is outside the range recommended by these guidelines, must explain why it chose the sanction imposed. ***Part A of these guidelines is intended to apply to the typical case involving a single incident and a defendant who has no previous disciplinary record. If this is not the case, the committee must consider Part B of these guidelines before deciding on an appropriate discipline.***

PART A: CONDUCT

| OFFENSE | RECOMMENDED DISCIPLINE | MANDATORY MASTERPOINT PENALTIES |
|---|---|---------------------------------|
| C1 Poor personal hygiene or dress (CDR 3.7) | Reprimand and or up to 30 days Probation | None |
| C2 Rudeness in conversation, gesture, or general behavior (CDR 3.7) | Reprimand and or up to 30 days Probation and or up to 30 days Suspension. | None |
| C3 Publicly belittle partner or opponent on bid or play (CDR 3.7) | Reprimand and or up to 30 days Probation and or up to 30 days Suspension | None |

| | | | |
|-----|--|---|---|
| C4 | Influence or attempt to influence an entrant to withdraw from an event to improve one's likelihood of winning more masterpoints (CDR 3.7 and 3.12) | Reprimand and or up to 90 days Probation and or up to 90 days Suspension | 10-50% of Disciplined Player's total masterpoint holding. |
| C5 | Harass or intimidate another player (CDR 3.7 and 3.11) | Reprimand and or up to 120 days Probation and or up to 90 days Suspension | None |
| C6 | Harass or intimidate a tournament director, tournament official or an ACBL official (CDR 3.7 and 3.11) | 180 days Probation and or up to 180 days Suspension | None |
| C7 | Deliberately fail to follow instructions given by a tournament director or official, including leaving a session without permission of the tournament director or game director, egregious slow play or noncompliance with conditions of contest (CDR 3.1, 3.2, 3.3 and 3.7) | 90 days Probation and or up to 90 days Suspension | None |
| C8 | Fail to notify an appropriate official in a timely manner of a score that one knows is incorrect (CDR 3.2 and 3.7) | 180 days Probation and or up to 180 days Suspension | 0-25% of Disciplined Player's total masterpoint holding. |
| C9 | Inappropriate comments (including but not limited to obscene comments) made publicly at an ACBL sanctioned event or activity (CDR 3.7) | Reprimand and or up to 120 days Probation and or up to 90 days suspension | None |
| C10 | Publicly accuse another player of unethical bridge behavior (CDR 3.4 and 3.7) | 180 days Probation and or up to 180 days Suspension | None |
| C11 | Threat of abusive or violent contact with another person (CDR 3.7) | 1 year Probation and or up to 180 days Suspension | None |
| C12 | Abusive or violent contact with another person (CDR 3.7) | 3 years Probation and or up to 2 years Suspension | None |
| C13 | **Knowingly submit false | 1 year Probation and or up | None |

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| information or deliberately distort facts to an ACBL official or committee when neither E6 nor E7 applies. (CDR 3.13) | to 1 year Suspension | |
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| C14 | Failure of Complainant to appear at hearing without cause (CDR 3.14) | 90 days Probation and or up to 90 days Suspension | None |
| C15 | Appeal a decision from a disciplinary body with no reasonable basis (CDR 3.15) | 1 year Probation and or up to 1 year Suspension | None |
| C16 | Initiate disciplinary action against another player with no reasonable basis (CDR 3.15) | 1 year Probation and or up to 1 year Suspension | None |
| C17 | Initiate and maintain legal action against the ACBL, including a District or Unit, or an ACBL official or employee acting in his or her official capacity, without first exhausting administrative remedies (CDR 3.10) | 1 year Suspension up to indefinite suspension pending reimbursement to ACBL of costs to ACBL to defend if the suit was unsuccessful pursuant to CDR Section 4.3.4 | None |
| C18 | Misappropriate ACBL, Unit or District Funds (CDR 3.18) | Indefinite suspension up to expulsion. The body imposing an indefinite suspension will determine when, after return of the funds, the indefinite suspension will be lifted | None |
| C19 | Being present in the playing area of an ACBL sanctioned event while serving a term of suspension (CDR 3.2 and 3.5) | Extension of the suspension to twice the original term to Expulsion * # | None |

PART B: ETHICS

| OFFENSE | RECOMMENDED DISCIPLINE | MANDATORY MASTERPOINT PENALTIES |
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| E1 Deliberately ask for or give information about a board in play after both parties have played it (CDR 3.2 and 3.7) | Reprimand and or up to 60 days Probation. | 0-25% of Disciplined Player's total masterpoint holding. |
| E2 Give information about a board in play to a player who has not yet played the board (CDR 3.2 and 3.7) | 30 days Suspension to 1 year Suspension* # | 0-25% of Disciplined Player's total masterpoint holding with no intent. 10-50% of Disciplined Player's total masterpoint holding when intent is proven. |
| E3 Unsportsmanlike, frivolous or frequent psyching (CDR 3.2 and 3.7) | 60 days Probation and or up to 30 days Suspension | 0-25% of Disciplined Player's total masterpoint holding. |
| E4 Play a convention, system, or treatment knowing it is illegal (CDR 3.2 and 3.7) | 90 days probation and or up to 60 days Suspension* | 10-50% of Disciplined Player's total masterpoint holding. |
| E5 Purposefully fail to disclose partnership agreements with intent to deceive (CDR 3.2 and 3.7) | 1 year Probation and or up to 1 year Suspension.* | 10-50% of Disciplined Player's total masterpoint holding. |
| E6 Bid or play with the specific intent to achieve a poor result on that hand (CDR 3.2 and 3.7) | 90 days Probation to 90 days Suspension* | 0-25% of Disciplined Player's total masterpoint holding. |
| E7 Intentionally: a. change a score, b. submit a false result of a hand, round or match, c. change or submit any information that could result in awarding incorrect masterpoints or d. enter an event for which you are not eligible (CDR 3.1, 3.7 and CDR 3.13) | 1 to 3 year Probation and or up to 2 years Suspension* | 10-50% of Disciplined Player's total masterpoint holding. |

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| E8 | Accidentally gain access to information and then act on it (CDR 3.1, 3.2 and 3.7) | 1 year Probation and or up to 180 days Suspension * | 0-25% of Disciplined Player's total masterpoint holding. |
| E9 | Hesitate with an intent to deceive; use intonations and mannerisms that may deceive opponents or help partner (CDR 3.1, 3.2 and 3.7) | 1 year Probation and or up 1 year Suspension * | 0-25% of Disciplined Player's total masterpoint holding. |
| E10 | Deliberately try to see from where an opponent plays his cards (CDR 3.1, 3.2 and 3.7) | 90 days Probation and or up to 90 days Suspension * | 0-25% of Disciplined Player's total masterpoint holding. |
| E11 | Actively and deliberately try to see an opponent's cards (CDR 3.1, 3.2 and 3.7) | 1 year Probation and or up to 1 year Suspension * | 10-50% of Disciplined Player's total masterpoint holding. |
| E12 | Actively seek advance information about a board in play (CDR 3.1, 3.2 and 3.7) | 2 years Suspension to Expulsion * # | 25-100% of Disciplined Player's total masterpoint holding. |
| E13 | Prearrange a deal or part thereof including one card (CDR 3.1, 3.2 and 3.7) | 2 years Suspension to Expulsion * # | 25-100% of Disciplined Player's total masterpoint holding. |
| E14 | Intentionally gain access to hand records for an event prior to the event and enter and play in the event and or give the hand records or copies to another person prior to that person entering and playing in the event. (CDR 3.1, 3.2 and 3.7) | Expulsion * | 100% of Disciplined Player's total masterpoint holding. |
| E15 | Prearranged partnership collusion by means of signaling to exchange information (CDR 3.1, 3.2 and 3.7) | Expulsion * | 100% of Disciplined Player's total masterpoint holding. |
| E16 | Playing an ACBL sanctioned event while serving a term of suspension (CDR 3.2 and 3.5) | Extension of the suspension to twice the original term to Expulsion * # | 10-25% of Disciplined Player's total masterpoint holding. |

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| E17 | Knowingly partnering or playing on a team with a person who is presently serving a suspension from ACBL or who is presently expelled from ACBL (CDR 3.2, 3.7 and 3.19) | 1 year Probation and or up to 1 year Suspension | 10-25% of Disciplined Player's total masterpoint holding. |
| E18 | Cheating and similar ethical violations not specifically cited by other sections of this Appendix (CDR 3.20) | 90 days Suspension up to Expulsion * # | 0-100% of Disciplined Player's total masterpoint holding. |
| E19 | Attempt to influence a decision of a disciplinary body outside of the hearing process(es) CDR 3.21. | Reprimand and or up to 2 years Probation and or up to 180 days Suspension. | 0-100% of Disciplined Player's total masterpoint holding. |
| E20 | Discussion of the content of the hearing, other than the committee decision, outside the hearing room by a disciplinary body member with any party (whether a party to the hearing or not). The Committee Decision includes the finding of Guilty/Not Guilty and the Penalty Imposed. CDR 3.22. | Reprimand and or up to 2 years Probation and or up to 180 days Suspension | |

* If a committee imposes a suspension, then it should also disqualify the pair or team from the event. This will mean the pair or team will lose its place in the event, any masterpoints earned in the event and any other benefits it may have earned from playing in the event. Should this disqualification take place after the correction period for the event has expired, other pairs and teams do not move up - the place formerly held by the disqualified contestant (pair or team) remains vacant.

If a committee imposes a suspension it is encouraged to also impose an appropriate term of probation following the term of suspension.

Part B

There are three major reasons why the suggested guidelines in Part A might not be appropriate. First, the single violation might be either so slight or severe as to make the suggested sanction inappropriate. Second, the defendant might be convicted for several violations (such as a pattern of behavior). Third, the defendant might have a previous record.

1. When the defendant's single violation is either extremely slight or severe, the committee should apply its sound, unemotional judgment. For example, either the experience or mental intentions of the defendant might be a consideration. Please explain on the Hearing Report Form why the violation was considered atypical.
2. When the recommended sanction guidelines would not have the usual impact upon a guilty defendant, a committee may tailor the length of the discipline in order that the discipline will have the desired impact.
3. When the defendant is convicted of several violations, such as a pattern of behavior, the committee should impose a sanction as if each violation was a separate offense. The Committee should note the separate violations and/or explain the pattern.
4. When the defendant has a prior record, the sanction imposed for the previous offense is not particularly important. The number of prior convictions is important. The reason is that the defendant was already sanctioned for the specific prior violation(s). The committee should pay close attention to how the prior conviction(s) reflects on the defendant's ability to behave according to ACBL standards and explain on the Hearing Report Form the reasons for its decision relative to the offense or offenses for which the committee has to consider another sanction.

Examples:

1. A person convicted of accidentally gaining access to information and acting on it has one conviction for bad hygiene for which he or she received 30 days probation. Here the committee would probably disregard the prior conviction in making a decision to issue a sanction.
2. A person convicted of accidentally gaining access to information and acting on it has received 30 days probation for bad hygiene, 30 days probation for rude behavior, and 30 days suspension for a threat of violent behavior. In this case, the record indicates that this person has a history of violating ACBL regulations and the committee should increase the discipline above the maximum for the offense for which the player was convicted.